



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3018365
Applicant Name: Julian Weber
Address of Proposal: 2167 Harbor Ave SW

SUMMARY OF PROPOSAL

Land Use Application to allow a 2-unit townhouse structure in environmentally critical area. Parking for two vehicles to be provided within the structure. Existing Single Family Residence to be demolished under a separate permit.

The following approval is required:

SEPA - Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION:

Determination of Non-significance

- ☒ No mitigating conditions of approval are imposed.
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

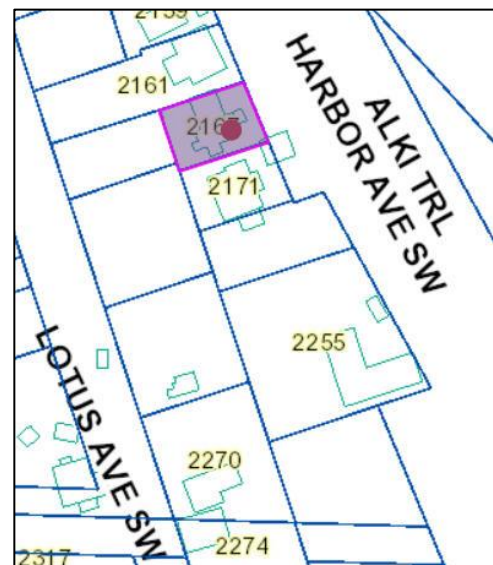
Site and Vicinity

Site Zoning: Commercial 1 with a 40' height limit (C1-40)

Nearby Zones: C1-40 (North)
C1-40 (South)
General Industrial 2 with a height limit up to 85' (IG2 U/85) (East)
Single Family 7200 (SF7200) (West)

Lot Area: 3,625 SF

Site Characteristics: The site contains a single family structure and is relatively flat in the center, with slopes along the eastern and western portions. There is an approximate rise of 28' from Harbor Ave SW to the west property line.



Access: Existing and proposed vehicular access to the site is from Harbor Ave SW.

Environmentally Critical Areas (ECAs): The entire site is mapped as an Environmentally Critical Area (ECA) Steep Slope, Potential Slide Area, and Known Slide area. The eastern portion of the site is mapped as an ECA Liquefaction Prone Area.

The applicant applied for and received a Limited Steep Slope Exemption under permit #6411296, as follows:

“Environmentally Critical Area Review is required for this project. It is correctly designated as Environmentally Critical as a Steep Slope Erosion Hazard Area, a Potential Slide Area due to Geologic Conditions, as an area of Documented Landslides, and as an area of Potential Liquefaction. A portion of the property is already developed with a residential structure. The attached site plan includes a line separating the Steep Slope Buffer Area that is already developed with the Steep Slope Buffer area to the west which is not developed. The Steep Slope Critical Area on the east portion of the site is less than 20 feet in height and is over 30 feet distant from other Steep Slope Critical Areas. For this reason, if all development is kept to the east of the line separating the area already developed with the rest of the Steep Slope and Steep Slope Buffer, no ECA Steep Slope Variance will be needed. See the ECA Regulations for Relief from the Prohibition on Development with Steep Slopes and their Buffers, SMC 25.09.180 B2a and 25.09.180 B2c. Except as described herein, the remaining ECA requirements apply to this project. Please see the attachment for the ECA Steep Slope Delineation (on project file #6411296) that should be used for this project, and the location of the line separating the area that may be developed with this exemption. Please note that an amended geotechnical engineering report must be submitted with the building application: the amended report needs to address the deep-seated landslide (SED H-3-F) from 1933 that lifted the residence at 2171 off of its foundation, as well as the deep-seated slide at 2104 36th Avenue SW, as well as landslide mitigation measures for this project. July 29, 2014; dbg.”

Public Comment:

The public comment period began on October 23, 2014. No public comments were received.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, as noted above. Proposals located in landslide prone areas (i.e. known landslide areas, potential landslide areas, and steep slopes) may require environmental review (SMC 25.05.908); thus this application is not exempt from SEPA review. However, the scope of environmental review of projects within these critical areas is limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated 9/22/2014. An updated environmental checklist was submitted by the applicant dated 4/5/2016. The Seattle Department of Construction and

Inspections (SDCI) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and Regulations for Environmentally Critical Areas (SMC 25.09).

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations.

Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related impacts on the environmentally critical area are expected: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.A.

Earth / Soils

The ECA Ordinance and Director’s Rule (DR) 5-2016 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study (Geotechnical Engineering Report, PanGEO, dated 9/3/13) and Geotechnical Report Addendum (PanGEO, dated 5/6/16). The studies have been reviewed and approved by SDCI’s geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Long Term Impacts

Long term or use-related impacts on the environmentally critical area are also anticipated as a result of this proposal, including: increased surface water runoff due to greater site coverage by impervious surfaces; loss of plant and animal habitat. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

No additional conditioning is warranted pursuant to SEPA policies.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC [197-11-355](#) and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

CONDITIONS – SEPA

None.

BreAnne McConkie, Land Use Planner
Seattle Department of Construction and Inspections

Date: August 22, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.